



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,866	11/21/2003	David Paul Limont	MS#303717.01 (5221)	3063

38779 7590 04/15/2009
SENNIGER POWERS LLP (MSFT)
100 NORTH BROADWAY
17TH FLOOR
ST. LOUIS, MO 63102

EXAMINER

CHEEMA, UMAR

ART UNIT	PAPER NUMBER
----------	--------------

2444

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/15/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary	Application No. 10/719,866	Applicant(s) LIMONT ET AL.	
	Examiner UMAR CHEEMA	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to Amendment filed on 12/18/2008. Claims 1-21 and 24 are pending in this action and claim 22-23 has been cancelled and claim 24 is newly added. Claims 1, 11, have been amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1-21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (hereinafter Reed) (US 2002/0095454) in view of Thomas et al. (hereinafter Thomas) (US 2003/0004917) further in view of Border et al. (hereinafter

Border) (US 2002/0071436) and further in view of Thomas Edward Eric et al. (hereinafter Edward) (EP 1 271 321 A1).

4. Regarding Claims 1 and 24, Reed discloses the invention as claimed a method to provide a sync notification to a client device comprising the steps of: receiving notification that an event of interest has been received (see par. 0023, par. 0207; a notification is received that meets certain criteria and therefore is of interest); in response to receiving the notification, determining a state of the client device, said state indicating whether or not the client device has outstanding sync notifications, said state being determined based on a trackingGUID and a syncGUID (see par. 0032, par. 0209; based on comparison of the values of the two identifiers, the sync determination is made); if the state of the client device indicates that the client device has no outstanding sync notifications prior to the receipt the received notification (see par. 0209-0210; the value of the two identifiers are compared to determine if a sync is in order): setting trackingGUID equal to the syncGUID, wherein the syncGUID is updated after each successful device synchronization of the client device (see par. 0209-0210; the version value is updated as a result of successful sync); setting a timeout equal to a current time plus a predetermined value (see par. 0209; the value of the two identifiers are compared to determine if a sync is in order); and sending the sync notification to the client device (see par. 0291-0292; the appropriate action (sync notification) is sent to the client); and if the state of the client device indicates that the client device has at least one outstanding sync notification(see par. 0209-0210; the value of the two identifiers are compared to determine if a sync is in order): not sending the sync

Art Unit: 2444

notification to the client device if the current time is less than the timeout, said timeout being used to determine the maximum time between sync notifications; and sending the sync notification to the client device if the current time is greater than timeout.

5. Reed substantially discloses the invention as claimed above but does not explicitly disclose wherein setting the trackingGUID equal to the syncGUID. However in the same field of invention Thomas discloses wherein setting the trackingGUID equal to the syncGUID (see par. 0035-0037). It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Reed and Thomas for the synchronization method and system for sender and receiver of the notification.

6. Reed and Thomas substantially disclose the invention as claimed but does not explicitly disclose wherein said setting a timeout equal to a current time plus a predetermined value. However in the same field of invention Border discloses wherein said setting a timeout equal to a current time plus a predetermined value (see par. 0239-0240; expiration time of timer indicates maximum length of time and par. 0291-0292; sync notification). It would have been obvious to one of the ordinary skill person to combine the teaching of Reed, Thomas and Border for setting timeouts to make certain other end acknowledges notifications that are sent. Motivation so doing so would have been that the method will be improved toward performing notifications synchronization.

7. Reed-Thomas-Border substantially discloses the invention as claimed but do not disclose wherein sending the sync notification to the client device if the current time is less than the timeout, said timeout being used to determine the maximum time between

Art Unit: 2444

sync notifications; and sending the sync notification to the client device if the current time is greater than timeout. In the same field of invention Edward discloses wherein sending the sync notification to the client device if the current time is less than the timeout, said timeout being used to determine the maximum time between sync notifications; and sending the sync notification to the client device if the current time is greater than timeout [see abstract, par. 0005-0008, figures 4-9 and details associated].

8. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Reed-Thomas-Border into sync key method of Edward for determining notification sync between a server and a user device.

Motivation for doing so would have been performing a desired synchronization based on a sync key.

9. Regarding Claim 2, the combination of Reed, Thomas and Border disclose the method of claim 1 further comprising the step of sending the sync notification to the client device if the trackingGUID equals the syncGUID and the current time is greater than the timeout (see Reed: par. 0291, 0209, Boarder: par. 0239-0240, Thomas: par. 0035-0037).

10. Regarding Claim 3, the combination of Reed, Thomas and Border disclose wherein Boarder further discloses the method of claim 2 further comprising the step of setting the timeout equal to the current time plus the predetermined value (see par. 0239-0240).

11. Regarding Claim 4, Reed discloses the method of claim 1 further comprising the step of receiving a device/user configuration file having at least one of the syncGUID

Art Unit: 2444

and the trackingGUID (see par. 0209; receives a file (communication object) with at least one ID (version value)).

12. Regarding Claim 5, Reed discloses the method of claim 4 further comprising the step of reading the at least one of the syncGUID and the trackingGUID from the device/user configuration file (see par. 0209; reading the id of the file by comparing the value).

13. Regarding Claim 6, the combination of Reed, Thomas and Border disclose wherein Boarder further discloses the method of claim 1 wherein the predetermined value is fifteen minutes (see par. 0236; a timer preset values ranging from minutes to hours. The value of 15 minutes is within the range specified).

14. Regarding Claim 7, the combination of Reed, Thomas and Border disclose wherein Boarder further discloses the method of claim 1 wherein the predetermined value is in the range of one to two hours (see par. 0236; a timer preset values ranging from minutes to hours).

15. Regarding Claim 8, Reed discloses the method of claim 1 wherein the step of sending the sync notification comprises sending the sync notification using the SMTP (simple mail transfer protocol) protocol (see par. 0023; sending the notification via email; therefore the protocol of transmission is SMTP).

16. Regarding Claim 9, Reed discloses the method of claim 1 further comprising the step of determining if the client device has received the event of interest (see par. 0292; receiving an acknowledgement message that indicates that the client received the event of interest).

Art Unit: 2444

17. Regarding Claim 10, Reed discloses the method of claim 1 wherein the step of receiving notification that an event of interest has been received comprises the step of receiving a trigger event (see par. 0291; notification is triggered as a result of an event).

18. Regarding Claim 11, Reed discloses the invention as claimed at least one computer readable storage medium having computer executable instructions for providing a sync notification to a client device (see par. 0029, 0548), the computer executable instructions performing the steps of: receiving notification that an event of interest has been received (see par. 0023, par. 0207; a notification is received that meets certain criteria and therefore is of interest); in response to receiving the notification, determining a state of the client device, said state indicating whether or not the device has outstanding sync notifications prior to the receipt the received notification, said state being determined based on a trackingGUID and a syncGUID (see par. 0032, par. 0209; based on comparison of the values of the two identifiers, the sync determination is made); determining if a current time is less than a timeout set based on the confidence level of the network wherein the timeout indicates how long to wait to retry sending the notification to the device; sending the sync notification to the client device (see par. 0291; the appropriate action is sent to the client) if the state of the client device indicates that the client device has at least one outstanding sync notification prior to the receipt the received notification (see par. 0209; the value of the two identifiers are compared to determine if a sync is in order) and the current time is greater than a timeout; and not sending the sync notification to the client device if the state of the client device indicates that the client device has at least one outstanding

sync notification prior to the receipt the received notification and the current time is less than a timeout (see par. 0209-0210; the object is discarded or other process takes place if the value indicates no sync is needed).

19. Reed substantially discloses the invention as claimed above but does not explicitly disclose wherein said state indicating whether or not the device has outstanding sync notification prior to the receipt the received notification, said state being determined based on a trackingGUID and a syncGUID. However in the same field of invention Thomas discloses wherein said state indicating whether or not the device has outstanding sync notification prior to the receipt the received notification, said state being determined based on a trackingGUID and a syncGUID (see par. 0035-0037). It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Reed and Thomas for the synchronization method and system for sender and receiver of the notification.

20. Reed-Thomas substantially disclose the invention as claimed but does not explicitly disclose wherein said the current time is greater than a timeout and the current time is less than a timeout. However in the same field of invention Border discloses wherein said the current time is greater than a timeout and the current time is less than a timeout (see par. 0239-0240; expiration time of timer indicates maximum length of time and par. 0291-0292; sync notification).

21. It would have been obvious to one of the ordinary skill person to combine the teaching of Reed, Thomas and Border for setting timeouts to make certain other end

Art Unit: 2444

acknowledges notifications that are sent. Motivation so doing so would have been that the method will be improved toward performing notifications synchronization.

22. Reed-Thomas-Border substantially discloses the invention as claimed but do not explicitly disclose wherein determining if a current time is less than a timeout set based on the confidence level of the network wherein the timeout indicates how long to wait to retry sending the notification to the device. In the same field on invention Edward discloses wherein determining if a current time is less than a timeout set based on the confidence level of the network wherein the timeout indicates how long to wait to retry sending the notification to the device [see abstract, par. 0005-0008, figures 4-9 and details associated].

23. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Reed-Thomas-Border into sync key method of Edward for determining notification sync between a server and a user device. Motivation for doing so would have been performing a desired synchronization based on a sync key.

24. Regarding Claim 12, the combination of Reed, Thomas and Border disclose the at least one computer readable storage medium of claim 11 having further computer executable instructions for performing the steps comprising: if the trackingGUID does not equal the syncGUID: setting the trackingGUID equal to the syncGUID; setting a timeout equal to the current time plus a predetermined value; and sending the sync notification to the client device (see Reed: par. 0291, 0209, Boarder: par. 0239-0240, Thomas: par. 0035-0037).

Art Unit: 2444

25. Regarding Claim 13, the combination of Reed, Thomas and Border disclose wherein Thomas further discloses the at least one computer readable storage medium of claim 12 having further computer executable instructions for performing the steps comprising determining if the trackingGUID equals the syncGUID (see par. 0035-0037).

26. Regarding Claim 14, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 3 above).

27. Regarding Claim 15, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 6 above).

28. Regarding Claim 16, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 7 above).

29. Regarding Claim 17, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 4 above).

30. Regarding Claim 18, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 5 above).

31. Regarding Claim 19, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 8 above).

32. Regarding Claim 20, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 9 above).

33. Regarding Claim 21, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 10 above).

34. Regarding Claim 22-23, (canceled).

Conclusion

Art Unit: 2444

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2444

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./

Examiner, Art Unit 2444

/Joseph E. Avellino/

Primary Examiner, Art Unit 2446